

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MARIA D. RODRIGUEZ-BRIGNONI,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CIVIL NO. 10-1636 (CVR)

OPINION AND ORDER

Above plaintiff María D. Rodríguez Brignoni, (hereafter plaintiff “Rodríguez-Brignoni”) filed the present action to obtain judicial review of the final decision of the defendant, the Commissioner of Social Security (hereafter “Commissioner”), denying the application for entitlement to a period of disability and ensuing benefits. (*Complaint*, *Docket No. 1*). Title 42 U.S.C. §405 (g).

The Commissioner filed its answer and copy of the administrative transcript. (Docket Nos. 9 and 10). Plaintiff Rodríguez-Brignoni then filed the corresponding memorandum of law by March 8, 2011. (Docket No. 17).

The Commissioner filed a Motion to Remand indicating there was good cause to remand the case to the Commissioner for further action because it will be requesting an Administrative Law Judge to update the medical evidence, conduct a new hearing and issue a new decision, as well as to clarify plaintiff Rodríguez-Brignoni’s residual functional capacity and the evidence in support thereof. Instructions on whether it becomes necessary to obtain vocational expert may be required. (Docket No. 20).

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Remand for further proceedings is the appropriate remedy following the judicial ALJ's initial determination that claimant was not disabled. The Commissioner's request would now allow additional evidence to be taken. Freeman v. Barnhart, 274 F.3d 206 (1st Cir. 2001). Remand will also allow the Commissioner to fulfill his role of resolving conflicting evidence, consider additional evidence pertinent to the claimant's insured period, and benefit from the testimonies of vocational and medical experts. Freeman v. Barnhart, 274 F.3d at 609.

Thus, remand should be allowed under sentence four of Title 42, United States Code, Section 405 (g).

Accordingly, this United States Magistrate Judge grants the Motion to Remand. (Docket No. 20). Judgment is to be entered accordingly.

In San Juan, Puerto Rico, on this 8th day of June of 2011.

S/CAMILLE L. VELEZ-RIVE
CAMILLE L. VELEZ RIVE
UNITED STATES MAGISTRATE JUDGE